

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MEDSOURCE, LLC,

Plaintiff,

Case No. 12-11946

v.

Hon. John Corbett O'Meara

DEROYAL INDUSTRIES, INC., *et al.*,

Defendants.

/

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE
TO FILE AN AMENDED COMPLAINT AND DENYING MOTIONS TO DISMISS**

Before the court is Plaintiff's motion for leave to file an amended complaint, filed July 30, 2012. Pursuant to Fed. R. Civ. P. 15(a)(2), "the court should freely give leave when justice so requires." This case is in its early stages, with the original complaint filed on April 30, 2012. Further, Defendants have not objected to Plaintiff filing an amended complaint. Accordingly, the court will grant Plaintiff's motion.

Also pending are several motions to dismiss filed by Defendants. The court will dismiss these motions as moot; Defendants may file revised motions specifically addressing Plaintiff's amended complaint if they desire. The filing of responses and replies shall be governed by the local rules.

Finally, Plaintiff has brought a motion to dismiss Counts III (defamation) and V (preliminary injunction based on defamation claim) of Kevin Katschanow and Ortho Workz, Inc.'s counterclaim. This motion has been fully briefed. Plaintiff argues that Katschanow and Ortho Workz have not pleaded defamation with the requisite specificity under Michigan law.

The court concludes that this claim is sufficiently pleaded; accordingly, it will deny Plaintiff's motion.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's motion to amend [docket no. 54] is GRANTED. Plaintiff shall file its amended complaint within seven days from the date of this order.

IT IS FURTHER ORDERED that Defendants' motions to dismiss [docket nos. 34, 39, and 41] are DENIED AS MOOT.

IT IS FURTHER ORDERED that Plaintiff's motion to dismiss [docket no. 47] is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: September 5, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 5, 2012, using the ECF system.

s/William Barkholz
Case Manager